

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

OLIVIA ROBERTSON, et al.,

Plaintiffs.

Case No. 2:19-cv-10266-SDD-EAS

Hon. Stephanie Dawkins Davis

v.

BREAKTHROUGH TOWING, LLC,
et al.,

Defendants.

**DEFENDANT McDONALD'S CORPORATION'S
CITATIONS TO AUTHORITY REFERENCED
DURING THE SEPTEMBER 13, 2021 HEARING**

During the hearing held on September 13, 2021, counsel for McDonald's Corporation cited and relied upon the following recent cases identified during preparation for the hearing and, in the main, decided after McDonald's Corporation completed on December 7, 2020 the briefing on its Motion to Dismiss Plaintiffs' Second Amended Complaint:

A. Rule 12(b)(6) Pleading Standards Under *Twombly/Iqbal*.

Brown v. The Professional Group, et al, No. 20-11466, 2021 WL 3847691 (E.D. Mich. Aug. 27, 2021) (DAVIS, J.).

Law Enforcement Officers Security. Unions v. International Unions, Security Police & Fire Professionals of America, No. 20-12544, 2021 WL 3667220 (E.D. Mich. Aug. 18, 2021) (DAVIS, J.).

Van Haynes v. Michigan Department of Corrections., No. 20-13432, 2021 WL 3231736 (E.D. Mich. July 29, 2021) (DAVIS, J.).

EQMD Inc. v. Farm Bureau General Insurance. Co. of Michigan, No. 19-13698, 2021 WL 843145 (E.D. Mich. Mar. 5, 2021) (DAVIS, J.).

Wagle v. Corizon, No. 19-13787, 2020 WL 4584166 (E.D. Mich. August 10, 2020) (DAVIS J.).

B. No Vicarious Liability or *Respondeat Superior* Under § 1983.

Van Haynes v. Michigan Dep’t of Corr., No. 20-13432, 2021 WL 3231736, *3 (E.D. Mich. July 29, 2021) (DAVIS, J.) (citing *Monell v. Department of Social Svs.*, 436 U.S. 658 (1978); *Turner v. City of Taylor*, 412 F.3d 629 (6th Cir. 2005)).

Wagle v. Corizon, No. 19-13787, 2020 WL 4584166 (E.D. Mich. August 10, 2020) (DAVIS J.).

Dibrell v. City of Knoxville, Tennessee, 984 F.3d 1156 (6th Cir. 2021).

Jane Doe v. Jackson Loc. Sch. Dist. Bd. of Educ., 954 F.3d 925 (6th Cir. 2020).

Haag v. Corizon of Michigan, et al., No. 1:21-CV-397, 2021 WL 4099336 (W.D. Mich. Sept. 9, 2021) (JONKER, C.J.).

C. Vicarious Liability under RICO but Subject to Pleading Standards.

Davis v. Mut. Life Ins. Co. of New York, 6 F.3d 367 (6th Cir. 1993).

Fremont Reorganizing Corp. v. Duke, 811 F.Supp.2d 1323 (2011) (LAWSON, J.)

D. In Opposition to Plaintiffs’ Suggestion of an Amended Complaint, at Response Brief pp. 25, 26 (n. 3), 32 (ECF no. 115, PageID 2557–58, 64).

In addition to the five cases cited in McDonald’s Corporation’s principal Brief (ECF no. 107, PageID 2314-5):

EQMD Inc. v. Farm Bureau General Insurance. Co. of Michigan, No. 19-13698, 2021 WL 843145 (E.D. Mich. Mar. 5, 2021) (DAVIS, J.).

Urgilla-Diaz v. Kaplan University (11th Cir. 2015), cited in the Reply filed by Virgirilli Management Company, p. 9 (ECF no. 125, PageID 2691).

Respectfully submitted,

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